

REMARKS

The Examiner has requested restriction of the present invention under 35 U.S.C. §§ 121 and 372:

Group 1. Claims 1-7 and 14, drawn to a device comprising a biodegradable polymer.

Group 2. Claims 15-16 drawn to a method of treating complication using the device of claim 1.

Group 3. Claim 17 drawn to a method of treating complications by implanting a device.

Group 4. Claim 18 drawn to a method of making a device comprising coating a device within an ethylene carbonate polymer of formula A.

In response to the restriction requirement, Applicant provisionally elects, with traverse, Group 1 directed to Claims 1-7 and 14. Applicant reserves their right to file related applications directed to the non-elected subject matter and/or seek rejoinder of the non-elected subject matter pursuant to M.P.E.P. §§ 821.04 and 821.04(b).

Claims 1-7, 14-16 and 18 are currently pending. Applicants respectfully request entry of the proposed amendment to dependent claim 18 highlighting that the disclosed method is a method for making the device of claim 1. Claim 17 has been cancelled without prejudice. Support for the foregoing amendment is found throughout the original application including, for example, on page 17, lines 13-34 and the examples of the originally filed specification.


Applicant respectfully traverses the restriction requirement for the following reasons. Examination of at least the device/ method claims in the same application would not pose a serious burden under M.P.E.P. §803 and 808.02 because there is a commonality of dominant elements between the claims of Groups 1, 2 and 4. Namely, all of the embodiments shown in Groups 1, 2 and 4 include the device comprising a biodegradable polymer comprising ethylene carbonate units of the formula A as defined in claim 1. For example, a search for a device comprising a biodegradable polymer comprising ethylene carbonate units of the formula A as defined in claim 1 would reveal a method for using and making such devices. In addition, method claims 15-16 and 18 incorporate the same limitations of the device claims. A search directed to the device claims of Group 1 would inherently satisfy a search directed to the method claims of Groups 2 and 4. Therefore, it would not place an undue burden on an examination combining Groups 1, 2 and 4. The Examiner is respectfully requested to reconsider the restriction requirement and withdraw the rejection.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 19-0134.

Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,

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